

Pages 1-235
Exhibits 1-18

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

No. 1:17-cv-00129-MR-DLH

RICHARD L. CAMPBELL,
Plaintiff,

v.

SHIRLEY TETER and SINCLAIR COMMUNICATIONS, INC.,
Defendants.

No. 1:17-cv-00256-MR-DLH

SHIRLEY TETER,
Plaintiff,

v.

PROJECT VERITAS ACTION FUND, et al.,
Defendants.

DEPOSITION OF JOANNE COMERFORD
TAKEN NOVEMBER 30, 2018
AT NORTHAMPTON DISTRICT COURT
15 GOTHIC STREET
NORTHAMPTON, MASSACHUSETTS

Reporter: Elizabeth P. Duffy
National Court Reporters, Inc.
7835 Freeway Circle, Cleveland, OH 44130
(888) 800-9656 (866) 819-2317 fax

APPEARANCES:

For the Defendants (Project Veritas Action):

Womble Bond Dickinson LLP

One West Fourth Street

Winston-Salem, NC 27101

BY: MICHAEL MONTECALVO, ESQ.

JAMES DEAN, ESQ. (VIA TELEPHONE)

PHONE: (336) 721-3600

michael.montecalvo@wbd-us.com

For the Deponent:

Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.

1090 Vermont Ave NW, Ste. 750

Washington, DC 20005

BY: JOSEPH E. SANDLER, ESQ.

PHONE: (202) 479-1111

sandler@sandlerreiff.com

VIA TELEPHONE:

For the Defendant/Plaintiff (Shirley Teter):

Critchfield, Critchfield & Johnston, Ltd.

996 Foote Road

Medina, OH 44256

BY: RALPH STREZA, ESQ.

PHONE: (330) 723-6404

streza@ccj.com

For the Defendant/Plaintiff (Shirley Teter):

Ellis & Winters, LLP

P.O. Box 33550

Raleigh, NC 27636

BY: PREETHA SURESH RINI, ESQ.

PHONE: (919) 573-1299

FAX: (919) 865-7010

preetha.sureshrini@elliswinters.com

APPEARANCES (Continued):

For the Plaintiff (Richard L. Campbell):

Cranfill Sumner & Hartzog, LLP

2907 Providence Road, #200

Charlotte, NC 28211

BY: VIRGINIA WOOTEN, ESQ.

PHONE: (704) 940-3401

FAX: (704) 831-5549

vwooten@cshlaw.com

INDEX:

WITNESS: JOANNE COMERFORD	PAGE
Examination by Mr. Montecalvo.....	6
Examination by Mr. Streza.....	213
Further examination by Mr. Montecalvo.....	231

EXHIBITS:

Exhibit 1, Subpoena.....	9
Exhibit 2, Subpoena.....	9
Exhibit 3, Subpoena.....	10
Exhibit 4, Consulting Agreement.....	86
Exhibit 5, 9/14/16 E-mail from Sara Kenigsberg.	116
Exhibit 6, MoveOn Permission and Release Form..	130
Exhibit 7, 9/14/16 E-mail from Sara Kenigsberg.	131
Exhibit 8, 9/14/16 E-mail from Jo Comerford....	137
Exhibit 9, 9/15/16 E-mail from Jo Comerford....	150
Exhibit 10, 9/15/16 E-mail from Jo Comerford...	153
Exhibit 11, 9/15/16 E-mail from Jo Comerford...	159
Exhibit 12, 9/15/16 E-mail from Randy Bernard..	163
Exhibit 13, 9/15/16 E-mail from Randy Bernard..	167
Exhibit 14, Phone Records.....	169
Exhibit 15, 9/16/16 E-mail from Shirley Teter..	189
Exhibit 16, Blog Post including 9/16/16 E-mail from Shirley Teter.....	194

EXHIBITS (Continued):

Exhibit 17, Shirley Teter's Response to Project Veritas Action Fund's First Set of Interrogatories and Requests for Production.....	204
Exhibit 18, Shirley Teter's Supplemental Responses to Project Veritas Action Fund's First Set of Interrogatories and Requests for Production....	208

1 Mr. Bernard received from Ms. Teter?

2 A. I don't know. I mean, I see the link
3 there.

4 Q. All right, let's look at the next one.

5 (Exhibit 13, 9/15/16 E-mail from Randy

6 Bernard, marked for identification)

7 (BY MR. MONTECALVO)

8 Q. All right, this is Exhibit 13, it's

9 MoveOn 67. Do you recognize this e-mail string?

10 A. I see it's an e-mail with me on it.

11 Q. Okay. Focusing on the 4:30 p.m. e-mail

12 where it says, "Thanks, Randy, we are about to

13 publish so I will send you links when it's up."

14 What does that mean?

15 A. Meaning it would not have been live

16 until -- publish is sending it live.

17 Q. Sending what live?

18 A. The video.

19 Q. The e-mail or just the video?

20 A. No, just the video with these links.

21 These are the links: Facebook, Twitter and Youtube.

22 Q. Okay, so let's break that down before

23 we get to that.

24 A. Sure.

1 Q. So where it says, "We are about to
2 publish", that means you are about to -- MoveOn is
3 about to do what?

4 A. Send it live.

5 Q. Send what live?

6 A. The video.

7 Q. Live to who?

8 A. To the world. I mean, on the internet.
9 That sounds so grandiose, but on the internet. You
10 know, once it's out on social media, it's live.

11 Q. Okay. And the links that you are
12 sending, what does that mean? "I'll send you links
13 when it's up", what types of links are you sending?

14 A. Those links.

15 Q. The links that are in the next e-mail
16 up?

17 A. Exactly.

18 Q. And tell me what those links are?

19 A. Well, it looks like they are the links
20 to the video.

21 Q. And where are the links going?

22 A. On Facebook, Youtube and Twitter.

23 Q. Tell me how that works; how do those
24 links work on Facebook, Twitter and Youtube? What

1 does that mean?

2 A. So we would publish the video and we
3 would load it up on Facebook, Twitter and Youtube.
4 And then we would push buttons. And they would go
5 up as posts. Posts and tweets.

6 Q. Excellent. And so that goes out to
7 anyone who cares to see it or is --

8 A. Anyone who cares to see it.

9 Q. Whether it's Facebook, Twitter or
10 Youtube, okay.

11 A. Correct.

12 Q. Sorry I had to go through that but I
13 never published anything to any of those things so I
14 don't know what --

15 A. No, no, it's okay, it's okay.

16 MR. SANDLER: Really?

17 (Exhibit 14, Phone Records, marked for
18 identification)

19 (BY MR. MONTECALVO)

20 Q. Okay, showing you now what we've marked
21 as Exhibit 14. This is Teter 1618. All right, I
22 don't expect that you would have seen this before.
23 It's been represented to us that this is a log from
24 Ms. Teter's home telephone. Do you remember calling

1 Q. What does that mean?

2 A. We're going to go back to those call
3 alerts now. You make a call, you sign a petition,
4 you donate. So it's engagement.

5 Q. And there's millions of people who have
6 done that?

7 A. Yes.

8 Q. And in September --

9 A. Not all of those things, right? Just
10 to be really clearly. You don't get onto MoveOn's
11 list unless you engage with MoveOn, right, that's
12 not how we work.

13 Q. Okay. And during September 2016, did
14 MoveOn have millions of members?

15 A. Yes.

16 Q. How does MoveOn keep track of who is a
17 member to send communications to?

18 A. We have lists.

19 Q. Okay. Do you have a current -- so
20 MoveOn somewhere has a list of all the members?

21 A. No. Not a definitive list. But we
22 have groups, right, so we can send -- we have people
23 who subscribe to us. For example, via Facebook. So
24 that's one cohort. We have people who are on our

1 Q. All right. And where it says Shirley
2 Teter via MoveOn.org political action, what does
3 that mean on the top of Exhibit 15?

4 A. This is generally when people --

5 MR. STREZA: Excuse me, sorry to
6 interrupt. What page are you on, sir?

7 MR. MONTECALVO: It's the Shirley
8 Teter -- it was marked as Exhibit 2 to David
9 Greenson's deposition. It's a Friday,
10 September 16, 2016 e-mail at 8:54 p.m.

11 (BY MR. MONTECALVO)

12 Q. Do you recognize this?

13 A. Yes.

14 Q. All right. Is this the message that
15 you helped draft?

16 A. Yes.

17 Q. All right. And is this the message --
18 and do you see where it has a picture in the middle
19 of this exhibit?

20 A. Yes.

21 Q. What is that picture from?

22 A. That's called a thumbnail and that's a
23 static picture of the video.

24 Q. Okay. Was the video sent out with this

1 a colleague is that I have the number of e-mail
2 recipients, so --

3 Q. You have the number of e-mail
4 recipients that receive this e-mail?

5 A. Yeah. But in no way would it -- we
6 couldn't characterize these as every MoveOn member.

7 Q. Understood.

8 A. That would have been not factual on my
9 part.

10 Q. I understand the clarification.

11 A. Okay. Sorry.

12 Q. So what is the number of people who
13 received this e-mail?

14 A. I have it as -- and this is a number
15 from our colleague Robert -- \$4,549,221.

16 Q. All right. And do you know how many
17 people have viewed the video on Facebook?

18 A. Yeah, we have those numbers. So, the
19 Facebook page for the video says one million views
20 and the Youtube has it as between 5,000 and 6,000
21 views.

22 Q. How about Twitter?

23 A. Twitter, it's impossible to track those
24 kinds of -- you could go to the tweet at that time.

1 I don't have this information. You can see how many
2 people liked it. Or you know the little heart thing
3 on Twitter. Or retweeted it, that's an RT, but it's
4 a different kind of thing.

5 Q. Okay. Do you know whether other
6 websites where the letter or the video was posted by
7 MoveOn Political?

8 A. We do not post our e-mails on websites.

9 Q. Do you know of any other websites that
10 hosted it or posted it on their websites?

11 A. I've come to understand that there was
12 this site, which I did not understand before this
13 moment. Before this prep for this. There's some
14 site where there's apparently someone who's taking
15 MoveOn content and publishing it.

16 Q. Okay. Let's mark -- I think I have
17 this. Let me mark this as the next Exhibit 16.

18 A. We don't really have that. And we
19 don't have data --

20 THE COURT REPORTER: Hold on.

21 MR. MONTECALVO: Yeah, why don't
22 we let you mark that.

23 (Exhibit 16, Blog Post including 9/16/16

24 E-mail from Shirley Teter, marked for

1 identification)

2 (BY MR. MONTECALVO)

3 Q. Showing you what we've marked as
4 Exhibit 16. Do you now know what Exhibit 16 is
5 based on after your review?

6 A. I know from my prep for this and I know
7 from looking at this that it's a site. It is not a
8 MoveOn site. This is not MoveOn.org. This is
9 someone else.

10 Q. So someone took the Shirley Teter video
11 on MoveOn's Facebook and posted it here?

12 A. No, this is a person. This only could
13 have come from someone who has subscribed to our
14 e-mail list. Because this is the e-mail itself. So
15 if they had put Facebook or Twitter links or Youtube
16 links, they would have looked different.

17 Q. Okay.

18 A. So this is the reposting of an e-mail.

19 Q. Okay. So someone took the MoveOn video
20 and text and republished it on this blog?

21 A. No, no. They took the e-mail that was
22 sent out.

23 Q. Oh, I'm sorry. When I said text, I
24 meant the text from the e-mail.

1 A. But this is the actual e-mail. See?
2 Because you have the links. So someone must --
3 because it has the footer here, it has all the stuff
4 that is a traditional MoveOn e-mail.

5 Q. All right. So some member republished
6 the MoveOn e-mail?

7 A. Correct.

8 Q. Okay.

9 A. It looks like on this site.

10 Q. All right. And you don't know how many
11 people have viewed Exhibit 16?

12 A. No, we don't have any analytical we
13 don't know who these folks are. At least I don't
14 know and I don't believe MoveOn knows who these
15 folks are.

16 Q. Okay. What would the answer be to
17 those questions be on behalf of MoveOn Civic?

18 A. Well, this again was not a MoveOn Civic
19 action work, so it would have actually been -- the
20 same question about -- the same answers to the
21 member count that defies counting. So, the same
22 thing. This was not sent out via civic action so
23 the answer there is not applicable to civic action.
24 And on Youtube, Twitter and Facebook, this was also

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

I, ELIZABETH P. DUFFY, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that there came before me on Friday, November 30, 2018, at Northampton District Court, 15 Gothic Street, Northampton, Massachusetts, the following named person, to wit: JOANNE COMERFORD, who was by me duly sworn to testify to the truth and nothing but the truth as to her knowledge touching and concerning the matters in controversy in this cause; that she was thereupon examined upon her oath and said examination reduced to writing by me; and that the statement is a true record of the testimony given by the witness, to the best of my knowledge and ability.

I further certify that I am not a relative or employee of counsel/attorney for any of the parties, nor a relative or employee of such parties, nor am I financially interested in the outcome of the action.

WITNESS MY HAND DECEMBER 14, 2018.

Elizabeth P. Duffy
Notary Public

My Commission expires:
November 11, 2023